



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,399	07/23/2003	Beverly Cox	P-120066.1.3 (UTI)(CIP)	1379

7590 03/12/2004

Daniel D. Chapman
Jackson Walker, LLP
Ste. 2100
112 E. Pecan St.
San Antonio, TX 78205

EXAMINER

BAREFOOT, GALEN L

ART UNIT PAPER NUMBER

3644

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/625,399	Applicant(s) COX ET AL.	
	Examiner Galen L Barefoot	Art Unit 3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/09/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

Drawings

This application has been filed with informal drawings which are acceptable for examination purposes only. However Formal drawings are required with a response to this office action.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6,8-12,15-18,21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodland (6056237) in view of Young et al (6626399).

Woodland shows the backpack in fig 28, a launch tube, parachute fig 43, uses GPS, and the camera 11 pans and tilts. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the rail of Young et al for the tube of Woodland since it is a mere engineering sizing issue and further noted that foam packing, shear pins for Velcro of Young and a hinge for sliding joint of Young are all obvious modifications of the area of mechanical expedients.

1. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woodland in view of Young et al as applied in paragraph above, and further in view of Siegel et al (4238093).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the gas powered launching power of Siegel et al for the rubber bands of the above combination.

2. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodland in view of Young et al as applied in paragraph above, and further in view of Adkins et al (4856736).

Art Unit: 3644

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the wing arrangement of Adkins et al for the above combination since it is stable arrangement for RPVs.

3. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodland in view of Young et al as applied in paragraph above, and further in view of Thurber, Jr. et al (4530476).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the power plant of Thurber (col 4, lines 25-31) for that of Woodland since it is a mere substitution of equivalents and the addition of a generator on a gas powered engine is also obvious mechanical expedient.

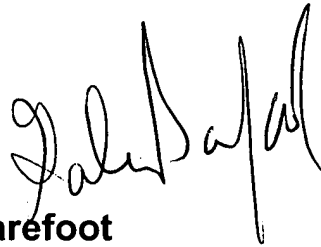
1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Galen L Barefoot whose telephone number is 703-308-2567. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Jordan can be reached on 703-306-4159. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

March 8, 2004



**Galen Barefoot
Primary Examiner
Technology Center 3644**